

1 *E-filed on* 6/13/07

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 IN RE CYGNUS TELECOMMUNICATIONS
13 TECHNOLOGY, LLC, PATENT
14 LITIGATION

15 CYGNUS TELECOMMUNICATIONS
16 TECHNOLOGY, LLC,

17 Plaintiff,

18 v.

19 UNITED WORLD TELECOM, L.C.,

20 Defendant.

No. MDL-1423
This Judgment Applies to:

C-03-03596 RMW


AMENDED JUDGMENT

21 On March 30, 2007, pursuant to its Claim Construction Order and Orders on Various
22 Summary Judgment Motions dated March 29, 2007, the court purported to enter final judgment
23 declaring that the patents-in-suit, U.S. Patent No. 5,883,964 and U.S. Patent No. 6,035,027, are
24 invalid under the on-sale bar of 35 U.S.C. § 102(b) and that defendant United World Telecom does
25 not infringe either patent.

26 The court's judgment did not address the remaining declaratory judgment counterclaims
27 brought by defendant United World Telecom against plaintiff seeking declarations that the patents
28 are invalid under 35 U.S.C. §§ 102, 103 and 112 and that the patents are not enforceable due to

1 inequitable conduct and fraud before the patent office. The court inadvertently failed to include a
2 direction for final entry of judgment pursuant to Fed. R. Civ. P. § 54(b) on the claims resolved.
3 Therefore, the court hereby directs that final judgment be entered: (1) declaring the '964 and '027
4 patents invalid based upon the on-sale bar; and (2) adjudging that plaintiff take nothing on its claim
5 of patent infringement. The court expressly determines that there is no just reason for delay in the
6 entry of final judgment because the remaining counterclaims have been rendered moot and will only
7 become ripe for decision if this judgment is reversed.

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9 DATED: 6/13/07



RONALD M. WHYTE
United States District Judge

1 A copy of this judgment was mailed on 6/13/07 to:

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11 **Courtesy Copy:**

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Room G-255, North Lobby
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15 Counsel is responsible for distributing copies of this order to co-counsel, as necessary.
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